

FILED

JUN 11 2015

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

DAVID CREWS, CLERK
BY  Deputy

**MARCUS STARKS;
APRIL STARKS**

PLAINTIFFS

VS.

CIV. CAUSE NO. 3:15-cv-0094-MPM-SAA

**DEPUTY AUSTIN KEYS, BADGE #27,
in his individual capacity**

DEFENDANT

JURY TRIAL DEMANDED

COMPLAINT

INTRODUCTION

The Plaintiffs, Marcus and April Starks, bring their cause of action for damages for violation of their rights, privileges and immunities under the Fourth and Fourteenth Amendments of the United States Constitution and pursuant to 42 U.S.C. §1983, as follows:

**I.
JURISDICTION**

1. Jurisdiction of this court is proper pursuant to 28 U.S.C. §§1131 and 1343. Venue in this court is appropriate under 28 U.S.C. §1391(b).

**II.
PARTIES**

2. Plaintiff **Marcus Starks (Marcus)** is an adult resident citizen of Horn Lake, Desoto County, Mississippi.
3. Plaintiff **April Starks (April)** is the wife of Marcus Starks and is an adult resident citizen of Horn Lake, Desoto County, Mississippi.
4. Defendant **Deputy Austin Keys, Badge # 27** was at all relevant times an officer of the Tunica County Sheriff's Department and an adult resident citizen of Tunica County.

III.

FACTS

5. On October 24, 2014, Marcus. and April Starks, together with Marcus's brother and sister-in-law, Marvin and Crystal Starks, were driving from the City of Horn Lake to Fitzgerald's Casino in Robinsonville, Tunica County, Mississippi to watch a boxing match.
6. At about 9:30 p.m. Tunica County deputies blue-lighted the Starks vehicle, which was driven by Marcus. He promptly pulled onto the highway shoulder and stopped.
7. The area of the stop was very dark.
8. Two male and one female Sheriff's deputies stepped out of the patrol car.
9. Marcus began to reach for his wallet, but forgot to put the gear in park.
10. The car started to roll and Deputy Keys shouted to put the car in park.
11. Marcus stopped the car and Deputy Keys approached the driver's side while placing a hand on his service weapon.
12. Marcus showed his driver's license and his registration.
13. Deputy Keys looked into the car and told the three other occupants to show their identification.
14. Marcus questioned Deputy Keys about why he needed everyone's identification.

15. Deputy Keys replied, "Because I want to."
16. Even though the area where the blue lights were activated was very dark, Deputy Keys told Marcus he was stopped for a seatbelt violation.
17. When Marcus denied the alleged violation, Deputy Keys ordered, "Get your ass out of the car!"
18. Marcus complied and stood at the back of the car, as instructed.
19. April asked if they would be allowed to leave if they all showed their ID's.
20. Deputy Keys replied that he was awaiting the arrival of his supervising officer.
21. Meanwhile, one of the deputies threatened to arrest Crystal Starks because she was on her telephone with a police officer friend, asking if the deputies had a right to hold them there.
22. By now the two couples had been held for about 45 minutes without a written citation.
23. When the supervising shift sergeant arrived, they all showed their I.D.'s and were allowed to leave without any citation having been written.
24. However, they were so upset about their experience with the deputies that they forfeited their tickets to the boxing match, which had already begun at 10:30 p.m., and started home about one hour after they were stopped.

DAMAGES

25. Plaintiffs suffered fear, emotional anguish, public humiliation, anger and loss of freedom as a proximate result of their unlawful stop and detention

**V.
CLAIMS**

26. FOURTH AND FOURTEENTH AMENDMENTS:

Plaintiffs' unlawful stop and extended detention without reasonable articulable suspicion based on concrete facts or probable cause amounted to an unreasonable seizure and false imprisonment.

**VI.
REQUESTED RELIEF**

27. Plaintiffs request issuance of a summons to the Defendant and that he be required to answer this Complaint within 20 days of service of process upon him. Plaintiff further seeks a jury trial and upon trial an award of compensatory and punitive damages in a reasonable amount. Plaintiff requests his attorney fee and litigation expense pursuant to 42 U.S.C. § 1988.

**RESPECTFULLY SUBMITTED
MARCUS AND APRIL STARKS, PLAINTIFFS**

BY: 

**RONALD W. LEWIS
MISS. BAR. NO.1242
LEWIS LAW FIRM
404 GALLERIA LN., STE. 5
OXFORD, MS 38655
(662) 234-0766
FAX: (866) 591-4512
ron@ronlewislaw.com**